

Union Calendar No. 165

111TH CONGRESS
1ST SESSION

H. R. 1700

[Report No. 111–295]

To authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women’s History Museum.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2009

Mrs. MALONEY (for herself, Mrs. CAPITO, Ms. NORTON, Ms. KAPTUR, Ms. DELAURO, Ms. BORDALLO, Mr. MORAN of Virginia, Ms. WATSON, Ms. HIRONO, Ms. FALLIN, Ms. KILPATRICK of Michigan, Mrs. BLACKBURN, Ms. SCHAKOWSKY, and Mr. MARIO DIAZ-BALART of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

OCTOBER 8, 2009

Additional sponsors: Mr. MASSA, Mr. PETERSON, Mr. FILNER, Ms. BALDWIN, Mr. GRAYSON, Ms. WOOLSEY, Mr. SIRES, Mr. KLEIN of Florida, Mr. MCGOVERN, Ms. DEGETTE, Ms. LEE of California, Ms. TITUS, Mr. CAO, Mr. JACKSON of Illinois, Mr. MEEK of Florida, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. WOLF, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. GUTIERREZ, Mr. LYNCH, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mrs. DAVIS of California, Mr. KENNEDY, Mr. KILDEE, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mrs. NAPOLITANO, Mr. BERMAN, Ms. FUDGE, Ms. CASTOR of Florida, Ms. LINDA T. SÁNCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, and Mr. CONNOLLY of Virginia

OCTOBER 8, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 25, 2009]

A BILL

To authorize the Administrator of General Services to convey
a parcel of real property in the District of Columbia
to provide for the establishment of a National Women's
History Museum.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Women’s His-*
5 *tory Museum Act of 2009”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act, the following definitions apply:*

8 (1) *ADMINISTRATOR.*—*The term “Adminis-*
9 *trator” means the Administrator of General Services.*

10 (2) *CERCLA.*—*The term “CERCLA” means the*
11 *Comprehensive Environmental Response, Compensa-*
12 *tion, and Liability Act of 1980 (42 U.S.C. 9601 et*
13 *seq.).*

14 (3) *COMMITTEES.*—*The term “Committees”*
15 *means the Committee on Transportation and Infra-*
16 *structure of the House of Representatives and the*
17 *Committee on Environment and Public Works of the*
18 *Senate.*

19 (4) *MUSEUM.*—*The term “Museum” means the*
20 *National Women’s History Museum, Inc., a District*
21 *of Columbia nonprofit corporation exempt from tax-*
22 *ation pursuant to section 501(c)(3) of the Internal*
23 *Revenue Code of 1986.*

24 (5) *PROPERTY.*—*The term “property” means the*
25 *property located in the District of Columbia, subject*

1 to survey and as determined by the Administrator,
2 generally consisting of Squares 325 and 326. The
3 property is generally bounded by 12th Street, Inde-
4 pendence Avenue, C Street, and the James Forrestal
5 Building, all in Southwest Washington, District of
6 Columbia, and shall include all associated air rights,
7 improvements thereon, and appurtenances thereto.

8 **SEC. 3. CONVEYANCE OF PROPERTY.**

9 (a) *AUTHORITY TO CONVEY.*—

10 (1) *IN GENERAL.*—Subject to the requirements of
11 this Act, the Administrator shall convey the property
12 to the Museum on such terms and conditions as the
13 Administrator considers reasonable and appropriate
14 to protect the interests of the United States and fur-
15 ther the purposes of this Act.

16 (2) *AGREEMENT.*—As soon as practicable, but
17 not later than 180 days after the date of enactment
18 of this Act, the Administrator shall enter into an
19 agreement with the Museum for the conveyance.

20 (3) *TERMS AND CONDITIONS.*—The terms and
21 conditions of the agreement shall address, among
22 other things, mitigation of developmental impacts to
23 existing Federal buildings and structures, security
24 concerns, and operational protocols for development
25 and use of the property.

1 **(b) PURCHASE PRICE.—**

2 **(1) IN GENERAL.—***The purchase price for the*
3 *property shall be its fair market value based on its*
4 *highest and best use as determined by an independent*
5 *appraisal commissioned by the Administrator and*
6 *paid for by the Museum.*

7 **(2) SELECTION OF APPRAISER.—***The appraisal*
8 *shall be performed by an appraiser mutually accept-*
9 *able to the Administrator and the Museum.*

10 **(3) TERMS AND CONDITIONS FOR APPRAISAL.—**

11 **(A) IN GENERAL.—***Except as provided by*
12 *subparagraph (B), the assumptions, scope of*
13 *work, and other terms and conditions related to*
14 *the appraisal assignment shall be mutually ac-*
15 *ceptable to the Administrator and the Museum.*

16 **(B) REQUIRED TERMS.—***The appraisal*
17 *shall assume that the property does not contain*
18 *hazardous substances (as defined in section 101*
19 *of CERCLA (42 U.S.C. 9601)) which require re-*
20 *sponse action (as defined in such section).*

21 **(c) APPLICATION OF PROCEEDS.—***The purchase price*
22 *shall be paid into the Federal Buildings Fund established*
23 *under section 592 of title 40, United States Code. Upon de-*
24 *posit, the Administrator may expend, in amounts specified*
25 *in appropriations Acts, the proceeds from the conveyance*

1 *for any lawful purpose consistent with existing authorities*
 2 *granted to the Administrator, except that the Administrator*
 3 *shall provide the Committees with 30 days advance written*
 4 *notice of any expenditure of the proceeds.*

5 (d) *QUIT CLAIM DEED.*—*The property shall be con-*
 6 *veyed pursuant to a quit claim deed.*

7 (e) *USE RESTRICTION.*—*The property shall be dedi-*
 8 *cated for use as a site for a national women’s history mu-*
 9 *seum for the 99-year period beginning on the date of convey-*
 10 *ance to the Museum.*

11 (f) *REVERSION.*—

12 (1) *BASES FOR REVERSION.*—*The property shall*
 13 *revert to the United States, at the option of the*
 14 *United States, without any obligation for repayment*
 15 *by the United States of any amount of the purchase*
 16 *price for the property, if—*

17 (A) *the property is not used as a site for a*
 18 *national women’s history museum at any time*
 19 *during the 99-year period referred to in sub-*
 20 *section (e); or*

21 (B) *the Museum has not commenced con-*
 22 *struction of a museum facility on the property*
 23 *in the 5-year period beginning on the date of en-*
 24 *actment of this Act, other than for reasons be-*

1 yond the control of the Museum as reasonably
2 determined by the Administrator.

3 (2) *ENFORCEMENT.*—The Administrator may
4 perform any acts necessary to enforce the reversionary
5 rights provided in this section.

6 (3) *CUSTODY OF PROPERTY UPON REVERSION.*—
7 If the property reverts to the United States pursuant
8 to this section, such property shall be under the cus-
9 tody and control of the Administrator.

10 (g) *CLOSING DEADLINE.*—The conveyance pursuant to
11 this Act shall occur not later than 3 years after the date
12 of enactment of this Act. The Administrator may extend
13 that period for such time as is reasonably necessary for the
14 Museum to perform its obligations under section 4(a).

15 **SEC. 4. ENVIRONMENTAL MATTERS.**

16 (a) *AUTHORIZATION TO CONTRACT FOR ENVIRON-*
17 *MENTAL RESPONSE ACTIONS.*—The Administrator is au-
18 thorized to contract, in an amount not to exceed the pur-
19 chase price for the property, with the Museum or an affil-
20 iate thereof for the performance (on behalf of the Adminis-
21 trator) of response actions (if any) required on the property
22 pursuant to CERCLA.

23 (b) *CREDITING OF RESPONSE COSTS.*—Any costs in-
24 curred by the Museum or an affiliate thereof pursuant to

1 subsection (a) shall be credited to the purchase price for the
2 property.

3 (c) *RELATIONSHIP TO CERCLA.*—Nothing in this Act
4 may be construed to affect or limit the application of or
5 obligation to comply with any environmental law, includ-
6 ing section 120(b) of CERCLA (42 U.S.C. 9620(b)).

7 **SEC. 5. INCIDENTAL COSTS.**

8 Subject to section 4, the Museum shall bear any and
9 all costs associated with complying with the provisions of
10 this Act, including studies and reports, surveys, relocating
11 tenants, and mitigating impacts to existing Federal build-
12 ings and structures resulting directly from the development
13 of the property by the Museum.

14 **SEC. 6. LAND USE APPROVALS.**

15 (a) *EXISTING AUTHORITIES.*—Nothing in this Act
16 shall be construed as limiting or affecting the authority or
17 responsibilities of the National Capital Planning Commis-
18 sion or the Commission of Fine Arts.

19 (b) *COOPERATION.*—

20 (1) *ZONING AND LAND USE.*—Subject to para-
21 graph (2), the Administrator shall reasonably cooper-
22 ate with the Museum with respect to any zoning or
23 other land use matter relating to development of the
24 property in accordance with this Act. Such coopera-
25 tion shall include consenting to applications by the

1 *Museum for applicable zoning and permitting with*
2 *respect to the property.*

3 (2) *LIMITATIONS.—The Administrator shall not*
4 *be required to incur any costs with respect to coopera-*
5 *tion under this subsection and any consent provided*
6 *under this subsection shall be premised on the prop-*
7 *erty being developed and operated in accordance with*
8 *this Act.*

9 **SEC. 7. REPORTS.**

10 *Not later than one year after the date of enactment*
11 *of this Act, and annually thereafter until the end of the*
12 *5-year period following conveyance of the property or until*
13 *substantial completion of the museum facility (whichever*
14 *is later), the Museum shall submit annual reports to the*
15 *Administrator and the Committees detailing the develop-*
16 *ment and construction activities of the Museum with respect*
17 *to this Act.*

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